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JOINT STAFF FOR DD PMA-A FOR WTC  
COMMERCE FOR BIS (ROBERTS)  
NSC FOR SMITH  
WINPAC FOR WALTER

E.O. 12958: N/A  
TAGS: [PARM](#) [PREL](#) [CWC](#)  
SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP UP FOR TWO  
WEEKS ENDING FEBRUARY 15, 2008

This is CWC-08-08.

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SUMMARY  
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¶1. (SBU) This report covers the first two weeks in February and quite a number of meetings at the OPCW and behind the scenes. The Open Ended Working Group for the Review Conference met on February 8 and 14, primarily to review the final three blocks of draft text for the conference report, but the group failed to come to consensus on the provisional RevCon agenda, which will be discussed once again on February 21. Ambassador Javits began actively reaching out to a variety of delegations to discuss issues related to the RevCon, and he hosted lunch and an afternoon discussion with close allies on February 11. The facilitator for Universality convened a meeting on February 13 to discuss progress. At the request of the Netherlands, a group of donor countries met February to compare notes on activities funded and priorities for the next year. The U.S. delegation also met with the new Head of Media and Public Affairs in the Technical Secretariat, American Michael Luhan, who is taking a very pro-active approach to his new job.

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OEWG: PREPARATIONS FOR THE SECOND REVIEW CONFERENCE  
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¶2. (U) In the Open Ended Working Group meetings on February 8 (which lasted all day) and 14, Amb. Lyn Parker (UK) marched the group through the three remaining blocks of draft text for the Review Conference Report. A businesslike atmosphere prevailed through most of the sessions, with each section of text taken in turn and delegations presenting their comments. As with the first discussion of the text in January, delegations are sending textual changes to the chair via e-mail. Iran, Cuba and other NAM members were noticeably

silent during most of the debate, noting that they had only "preliminary" comments; there were not many of those. (Del comment: This could spell trouble ahead with very late interventions from NAM states, or the excuse that the revised draft report represents only western input ) which may well prove true if only western countries provide comments to the chair).

13. (U) GENERAL DISCUSSION OF THE DRAFT TEXT: Cuba's preliminary comments included their belief that the text should be a "rolling draft" reflecting all proposed changes, along with a request for additional time for consideration of the text. Chairman Parker responded that the next draft of the whole text will take into consideration all comments received, but that including all the comments as bracketed text at this point would be impossible to work with. He said the goal was a clean baseline text for future discussion, as had been provided at the first RevCon. Iran, South Africa and China all spoke in favor of an immediate rolling text. Amb. Javits spoke on the utility of bracketed text at the proper time in the process, including identification of the states proposing the changes, but not yet. Mexico reiterated a proposal it had made earlier for a drafting group to assist the chair. South Africa noted that the NAM comments represent quite a number of countries. Amb. Javits responded that, while it is useful to hear collective views in the general debate, states parties should be the actors in the decision making process, including approving the text and supporting amendments. Cuba responded somewhat testily that the NAM operates on consensus, only representing common concepts and positions, and that E

all members have the ability to state their national positions.

14. (U) PROVISIONAL AGENDA: The NAM requested a break to caucus late in the afternoon of February 8 to discuss the provisional agenda. Following the break, Cuba presented new additions from the floor, but admitted that the caucus had not agreed on the agenda item on terrorism. (Del comment: This admission of division in the NAM was new and may have reflected the morning's discussion noted above, since only a handful of NAM members were present by the afternoon session. Del later learned that the split on terrorism was between African and Asian delegations). Several delegations (Germany, U.S. and other WEOG members) objected to the "full implementation of Article XI" as an agenda item, and questions were raised (Russia, US and others) on the focus on "complete disarmament" added to the agenda item on international peace and security. Russia questioned whether we were now to discuss small arms as well as chemical weapons. Chairman Parker stated that he would provide a compromise draft agenda based on the new input and the working group's discussion.

15. (U) At the February 14 meeting, Amb. Parker presented the new draft agenda for discussion. Cuba stated on behalf of the NAM that they had not reached a common position and member states needed more time to consider the text; he noted that some might speak to their concerns. Iran intervened to note that, as there was no consensus agenda from the working group, it should not be forwarded to the Executive Council. Director for the Policy Making Organs Alexander Khodakov explained the procedural rule that the EC should prepare the draft agenda for the RevCon, but that it could be amended until the Review Conference itself approved it. Amb. Parker agreed to keep the draft agenda open for discussion at the February 21 OEWG, but that if there is no consensus then, he will send it forward as a chairman's draft to the EC. Del

has faxed the new draft agenda to ISN and requests guidance for the February 21 meeting.

¶6. (U) OPEN FORUM: The forum, which will include NGOs, industry representatives and "eminent individuals" is tentatively scheduled for the afternoon of April 10, and the TS will send out invitations and organize the event's program and agenda. At the February 8 OEWG, after Del privately noted to the chair the incorrect footnote in the TS paper, Amb. Parker clarified that the ICRC had participated in the Open Forum at the First RevCon. The TS also noted that the Sunshine Project was no longer operational, and that UNPO had no association with chemical weapons, and neither would be invited. There were no objections from the working group to four additions to the list of participants: Ian Kenyon and Shakut Umer (put forward by the Del), and Amb. Von Wagner and the Berlin-based Stiftung Wissenschaft und Politik (put forward by Germany).

¶7. (U) BLOCK 2 TEXT: The February 8 discussion of this section highlighted differences among delegations on the role of the Scientific Advisory Board, the status of its report, and how the report should be cited in the text. Japan proposed that the SAB report be treated all together, rather than selectively quoting from it through the different sections. The Chair agreed that the SAB is one of the issues that needs to be considered "horizontally" in the report as a whole once the draft is complete. Also of note, Russia stated its preference not to include any reference in the report text to the EC visit to Anniston, stating that it viewed the visit as an "additional transparency measure" rather than oversight.

¶8. (U) BLOCK 3 TEXT: The February 8 discussion of this section again included input mostly from WEOG delegations, Japan, South Africa and India. The interventions were primarily focused on textual changes eliciting few responses or comments from delegations. In its only intervention, Iran stressed that destruction is the central issue and should be the focus of the RevCon.

¶9. (U) BLOCK 4 TEXT: The February 14 discussion of this section again was dominated by the same delegations as the previous two sessions. A notable exception was the call by both Sudan and Algeria for giving preference to African nationals in staffing. Algeria specifically called for "positive discrimination in favor of Africa," to which the Director-General noted the Convention's emphasis on qualifications. Discussion also highlighted differences among delegations on linking Article VII and Article XI: EU delegations and Russia supported the linkage and referring to the interdependence of the two articles; Mexico, Algeria, Sudan and China spoke up against making Article VII compliance a prerequisite for receiving Article XI-related assistance.

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UNIVERSALITY  
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¶10. (U) On February 13, the facilitator for Universality, Said Moussi (Algeria), held a meeting for the TS and delegations to share information on recent activities. Malik Elahi (Head, Government Relations and Political Affairs Branch) gave an overview country-by-country of TS efforts to engage non-States Parties. The TS is planning upcoming visits to two African countries, Guinea-Bissau (the end of February) and Angola (June). Elahi noted that contacts with the Angolan government have been facilitated by the German Ambassador in Luanda. He

also said that Guinea-Bissau's law on ratifying the CWC is currently awaiting final presidential approval.

¶11. (SBU) The Netherlands and the UK both shared recent high-level contacts with the Bahamas (Netherlands), and Syria and Egypt (UK). However, only the Dutch push seems to have borne fruit, with the Bahamas very close to finalizing ratification of the CWC. Del rep noted continued U.S. engagement with the Bahamas and the Dominican Republic. Slovenia said that the EU is planning to deliver a joint demarche to the Dominican Republic in the coming weeks; Canada indicated interest in supporting the push on the Dominican Republic.

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MEETING WITH CLOSE ALLIES  
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¶12. (SBU) On February 11, Amb. Javits hosted a lunch for the Close Allies. All delegations participated at the ambassadorial level, with Germany, France and the U.S. including representatives from capital. The primary purpose of the lunch was to provide a venue for discussions on the RevCon early enough to be influential in the drafting process. U.K. Amb. Lyn Parker provided an update from his position as Chair of the RevCon Working Group. Discussions also included a proposal by the U.S. for revisions to the Russian Federation's verification plan for the Maradykovsky CW destruction facility.

¶13. (SBU) PREPARATIONS FOR THE REVCON: Several issues were highlighted as challenges/priorities. U.K. Amb. Parker noted that the topic of CW destruction will present a significant challenge,

even if efforts to actually dominate RevCon discussions with talk of destruction delays and 2012 will probably be limited to a handful of problematic delegations. Germany in particular was very concerned as to how the U.S. intended to handle the topic of 2012 at the RevCon, particularly if the NAM focuses on the U.S. inability to meet 2012. Parker also noted the need for further work on Article VII, and the danger that this will be brushed aside by the NAM.

¶14. (SBU) Germany noted its view that despite a need to adapt the organization to a shift in priorities over time, destruction is the number one priority, followed by non-proliferation. The Germans shared thoughts on getting away from the term &non-proliferation8 (which elicits a negative reaction from much of the NAM) and focusing on phrases like &confidence in compliance.8 The U.K. later added that the safest option would obviously be to stick to treaty language, or at least to concepts like &non-acquisition8 that are clearly consistent with existing CWC obligations. Germany also noted the importance of supporting the provisions of Article VI with the provisions of Article IX.

¶15. (SBU) France highlighted the need to set a course for the shift in verification, and the importance of non-proliferation, as well as the need to avoid undermining the Australia Group.

¶16. (SBU) Amb. Parker reminded delegations that the mandate of the OEWG is only until EC-52; the EC will need to extend the mandate to the beginning of the RevCon. Apparently the TS needs both the draft report and the political declaration by March 21 for translation and distribution before the RevCon. Parker hopes to shift focus after the EC from the Chair's text to the political declaration, although he thought one more meeting on the consolidated text

might be necessary following EC-52.

¶17. (SBU) STRATEGIES FOR WORKING WITH LIKE-MINDED COUNTRIES, PARTICULARLY IN LIGHT OF IRAN AND THE NAM: There was general agreement that it will be very helpful to get like-minded smaller delegations to speak up, even if it is simply to reinforce an EU position. Delegations also discussed the need to keep the Iranians from dictating the pace and end game of negotiations. Suggestions included taking a harder position on questioning the credibility of eleventh hour, vague requests; and refusing to play into the Iranian desire to immediately whittle the negotiations down to a small group. Parker and German MFA rep Beerwerth both talked about the possibility of isolating Iran and/or other troublemakers, and having the Chair deal with them one-on-one, and also discussed the value of keeping any negotiating group that may arise open to maintain better oversight.

¶18. (SBU) OCPF INSPECTION FREQUENCY: The discussion was very similar to that of the German-led meeting of January 30. The general German theme, as in their earlier paper, was whether further increases in OCPF inspection numbers could be justified given that the new methodology does not appear to result in significant inspection increases in some countries of greater concern. The UK asserted again that the DG's new methodology will not necessarily give us what we want in distributing inspections more broadly, but any additional numbers of OCPF inspections are of broad benefit. The French were more supportive of the UK view.

¶19. (SBU) U.S. Del suggested a possible way in which the EC could specify in the annual budget inspection intensity per category (given as a percentage range),

thus giving the TS more flexibility in selecting sites of greater concern for inspection and how those inspections would be carried out. Also, Del requested that delegations be careful to keep the matters of the OCPF site selection methodology and the annual budget for inspections as separate discussions. Both of these Del suggestions are hoped to work as a safer argument against the general NAM concern over &hierarchy of risk.8

¶20. (SBU) SAMPLING AND ANALYSIS: This discussion was fairly brief, as delegations have often shared their experiences with each other in the past. Delegations generally questioned each other on the types of issues they anticipate discussing during the February 19 meetings on the topic of experiences during the trial period.

¶21. (SBU) TERRORISM: The French delegation spoke briefly about their upcoming seminar, and also their intent to play up the connection to Article VII and Article X in upcoming meetings of the OEWG on Terrorism. Amb. Javits mentioned the possibility of tying in the provisions on Investigations of Alleged Use as related to combating terrorism.

¶22. (SBU) RIOT CONTROL AGENTS AND INCAPACITATING AGENTS: France referred to its previously stated concern that the ability of troops to use RCAs on peacekeeping missions not be restricted. The French Del also made a passing reference to the importance of WEOG solidarity on this point. Germany's position seemed to be very similar to the U.S., in that Berlin believes substantive discussions on these and related topics should be avoided at the RevCon. German MFA rep Beerwerth did, however, note that in internal discussions the concern has been raised that the provision on law enforcement not become a loophole (ref. the possibility of unscheduled chemicals of all



sorts being passed off as law enforcement substances). Informally, Beerwerth offered that one possible solution would be to clearly limit the scope of chemicals appropriate for law enforcement to riot control agents only.

¶23. (SBU) U.S. Del made clear that the U.S. will not accept the establishment of follow-on processes or discussions, or any attempt to clarify terminology such as &method of warfare<sup>8</sup> or &law enforcement.<sup>8</sup> The U.K. still seemed more focused on developing an effective strategy to contain the topic if it gets out of hand at the RevCon, and noted plans for a meeting in London later in the week to discuss this.

¶24. (SBU) RUSSIAN CW DESTRUCTION: U.S. Del presented the U.S. proposal for revisions to the Maradykovsky verification plan and accompanying draft decision. Reactions were mixed, and not entirely supportive; the concern expressed by all delegations was that there is simply no impetus for Russia to agree to any changes at this point and, as per discussions in Berlin, the next opportunity to apply any sort of political pressure will come with the 45 percent deadline.

¶25. (SBU) The U.K. seems inclined to avoid pressing the issue, and expressed doubt that publicly highlighting the difference in interpretation between the DG and the Russians on the terms of the agreement would be constructive. Germany was concerned at the lack of reference to Article IV, and the space that leaves for Russia to assert in the future that verification after the first stage actually means Article VI verification. The U.S. noted that the text had been crafted to achieve shared objectives without getting into the fundamental difference in definitions of destruction. France suggested simply welcoming or underscoring the DG,s interpretation of

the &provisional<sup>8</sup> counting arrangement, perhaps in report language. Del reminded the French of previous, unsuccessful attempts along these lines.

¶26. (SBU) Although there were a number of minor tactical questions raised, the other recurring theme in the discussion was the question of whether it might be the appropriate time to bring this discussion into the open by explaining concerns from the floor during the EC. Germany seemed to be in favor of articulating the fact that interested States Parties have actually been quite flexible in not questioning the 20 percent accounting, a flexibility offered to take into account the political necessities of the Russian Federation, and that a number of concerns have not yet been addressed. Delegations agreed that most States Parties are largely unaware of the implications of the Maradykovsky documents, some of whom might be supportive if educated on the matter. The U.K., however, expressed concern that this would only serve to undermine the DG,s &understanding.<sup>8</sup> Del agreed to share the proposal with the DG to get his feedback before proceeding further.

¶27. (SBU) On the following day, Amb. Javits met with the Director General and shared the draft text on the Maradykovsky documents. The DG was not opposed to the proposal but questioned the timing, noting that it might be inadvisable before the Review Conference. He alluded to the fact that the text of the agreements was negotiated at length with the TS, which would have views on changes to that text. He felt that the Executive Council session following the RevCon (June) would be a more opportune time to propose and debate the changes.

¶28. (SBU) On Leonidovka, discussions were limited, as most delegations had not had the opportunity to review the recently distributed verification plan and facility agreement. There was some speculation about whether the terms of these documents would provide more or less assurance than those for Maradykovsky, and general agreement that it is important to consider both sets of documents together, particularly given the role these two facilities will play in Russia, s 45 percent deadline.

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WEOG MEETINGS  
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¶29. (SBU) The February 8 WEOG meeting immediately preceded the Open Ended Working Group meeting and focused on delegations' views on Blocks 2 and 3 of the draft report. Of note, Canada cited the "two major possessor states" serious arrears in their Article IV and V obligations. Del responded that the U.S. is current on those payments.

¶30. (SBU) On February 12, the WEOG met at its usual time for a more general brainstorming discussion of positions on the Review Conference. The Irish delegation first reported from the bureau meeting that Slovakia is in line to chair the Executive Council this year and other regional groups should be choosing their vice chairs, and that Brazil would be volunteering to facilitate the OPCW office in Africa. Russia had been asked by the bureau about timing of the EC visit to one of their chemical weapons destruction facilities; the Russian response quoted the decision language that it would be "no later than 2008." The UK del reported that the OEWG for the Review Conference should produce a chairman's text of the report by 21 March to allow translation and distribution before the Conference. A revised draft text based on the current discussions of the four

blocks will be prepared for the meeting next week (February 21) with one additional meeting to discuss it before the EC. The political declaration would be drafted after the consolidated report text, with discussion probably taking place after the EC.

¶31. (SBU) The brainstorming portion of the meeting lasted over two hours, and while there were few surprises, it did provide a useful opportunity to air views on both substance and tactics. Delegations had different views on how serious the NAM attack on non-proliferation is and whether and how it should be countered. There were also differences of view on explicit linkage between Articles VII and XI, from the German statement that there should be no transfers if legislation is not in place in a state, to the Canadian advice that explicit linkage would likely backfire. There was general agreement that the NAM is not unified and can be split. One delegate noted that the current NAM delegates are easier to work with and more constructive than their predecessors. On Article X, no one had further information on the Iranian proposal submitted before the Conference of States Parties in November. Germany advised that Iran is likely to raise Article X directly at the Review Conference despite the fact that the CSP reinforced the ongoing facilitation. The French delegate inquired about terrorism and outlined the OEWG on Terrorism's upcoming series of presentations. Amb. Lak of the Netherlands noted that his delegation is developing a paper on outreach for the OPCW based on the successful academic and industry forums last year.

¶32. (SBU) The WEOG met again on February 14 immediately before the OEWG to consult on Block 4 of the draft report text. The UK noted that NAM

delegations had met the day before but many had not received instructions from capital and they had failed to agree on the provisional agenda.

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DONOR COORDINATION MEETING  
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¶33. (SBU) On February 15, the Dutch delegation organized an informal meeting of donors as part of its effort to coordinate assistance and share experiences. Amb. Maarten Lak (Netherlands) reviewed input received from a number of donors on their priorities for assistance in 2008. Slovenia briefly described the current EU Joint Action voluntary contribution, which has been supporting eight projects focusing on outreach, universality, national implementation and technical assistance; it also provided support for the Academic Forum held in November 2007. The Del circulated a paper on U.S. assistance activities and priorities.

¶34. (SBU) Several delegations (Netherlands, Germany, U.S.) spoke to the need for more information from the TS, specifically for assessing the impact and results

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of assistance programs. They also noted the need to look at funding comprehensively, taking into account both the regular budget and voluntary contributions. The facilitators for Articles X and VII promised to include discussion on article-specific assistance during upcoming consultations for each article (note: Article X consultations are scheduled for February 18, Article VII for February 20).

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BILATERAL MEETINGS  
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¶35. (SBU) Amb. Javits has launched active outreach to other delegations to share views and encourage close working relationships to resolve issues arising from

the Review Conference. With members of the delegation, the Ambassador has met with the Indian, Slovenian, Saudi, Costa Rican, Mexican and Slovakian delegations during the past two weeks. The Mexican meeting will be reported septel.

¶36. (SBU) INDIA: On February 6, Amb. Javits hosted lunch for Indian Ambassador Neelam Sabharwal and her deputy Riva Das, along with del reps. Amb. Sabharwal expressed support for broader views than the NAM position her deputy normally takes. While stating that a basic discussion about CW destruction will be vital in the RevCon, she also noted that they wanted this discussion to be limited and focused on the situation at hand. On industrial topics, Das shared recent efforts by Indian industry to augment the implementation of the Convention. In Gujarat, which has the most developed chemical industry of any region, the chemical association has set up a full-time "help desk" whose role is to advise individual companies so that they understand and meet their obligations under the Convention. Amb. Javits and del reps encouraged her to share this experience with the OPCW and delegations as a way in which industry can take the lead in ensuring appropriate CWC implementation, along with programs like Responsible Care. OPCW can assist such programs but the initiatives are much more successful when the chemical industry itself initiates something it can use. Amb. Javits also emphasized the importance of individual States Parties being involved in the RevCon process and asked Amb. Sabharwal to consider organizing an informal meeting for some key Asian delegations to discuss how to ensure a positive



outcome for this RevCon.

¶37. (SBU) SLOVENIA: On February 7, Amb. Javits and Delreps met with Amb. Tea Petrin and OPCW delegate Andreja Purkart Martinez at Slovenia's request. Slovenia, as current EU president, will be taking a more active role in OPCW matters and is focusing on coordinating a common EU position for the RevCon. Amb. Petrin and Martinez reported that a recent meeting in Ljubljana had been successful in this regard. Describing the NAM's approach, Amb. Javits encouraged Slovenia and other smaller EU members to intervene and add their views during consultations instead of normally leaving the role to France, Germany and the UK. In response, Amb. Petrin floated the idea of non-WEOG EU members sitting in on WEOG meetings as "observers." Amb. Javits indicated that having "WEOG Plus" -- or "EU Plus" -- meetings on an ad-hoc basis would be preferable to a number of WEOG members and could insure coordination among like-minded States Parties. Appreciating Amb. Javits' suggestion, Amb. Petrin said that she would plan to host a pre-RevCon "EU Plus" meeting.

¶38. (SBU) SAUDI ARABIA: On February 12, Ambassador Waleed Elkhareiji called on Amb. Javits; del rep sat in. As the future chairman of the Review Conference, Amb. Elkhareiji asked for U.S. views on the issues and expressed his desire to stay in close touch with Amb. Javits as things progress. He was particularly interested in why the U.S. might not meet the 2012 destruction deadline and whether any other possessor states might be in the same position. Amb. Javits explained the U.S. position and ongoing destruction efforts and expressed doubts about whether Russia can meet the 2012 deadline despite their assurances that they will. He stressed that 2012 should not be the end of the work of the OPCW, whether or not all possessor states complete destruction. The Saudi Ambassador described his experience in dealing with Iran in past negotiations and as a neighbor, and he said that his delegation would be attending the NAM meetings as an observer to understand better their positions. He hoped that the report for the

conference would be complete before it begins. Amb. Javits suggested that a friends of the chair group, representing the five regional groups rather than the NAM or EU, could be helpful in finding resolutions to contentious issues.

¶39. (SBU) COSTA RICA: Later on February 12, Costa Rican Ambassador Jose Aguilar called on Amb. Javits, with del rep sitting in. Costa Rica will be joining the Executive Council and will take the vice chair currently held by Chile, although Amb. Aguilar was not sure he could have the same cluster issues. He described the polarizing split within GRULAC between Cuba and Venezuela on one side and most of the rest holding very different views, with Cuba advocating the end of the Convention in 2012. Amb. Aguilar said the key issues for him and Costa Rica are modifying the convention to be relevant beyond 2012 and terrorism. Amb. Javits outlined U.S. views, particularly on 2012 not being the end of the CWC or the OPCW, and urged Costa Rica and other smaller states to speak up in the working group and at the conference. They agreed that delegations would stay in close touch both in the EC and the RevCon.

¶40. (SBU) SLOVAKIA: Ambassador Oksana Tomova and OPCW delegate Michal Komada met with Amb. Javits and del rep on February 13. Amb. Tomova has been selected by the Eastern European regional group to be the next EC Chair and she is actively preparing for the role. Amb. Javits described U.S. positions on key RevCon and EC issues, particularly the importance of active involvement by the chair and vice chairs in

moving the work of the EC forward between sessions. Del rep noted U.S interest in finding ways to help delegates and facilitators improve their multilateral skills. Omada, as a delegate new to multilateral issues, said he would appreciate periodic workshops on issues and skills and thought the EU and Russia might be able to provide expert speakers and trainer. Amb. Javits offered any help the del can provide to the Slovakian delegation on both issues and process.

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MEETING WITH OPCW MEDIA AND PUBLIC AFFAIRS BRANCH  
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¶41. (U) On February 5, Amb. Javits and Del reps met with Michael Luhan (U.S.), the new Head of Media and Public Affairs, and Aabha Dixit, Media and Public Affairs Officer. The meeting's primary purpose was to introduce Luhan to the Del and to hear his views on how to promote the OPCW and raise awareness of the CWC. These included finalizing a public service announcement to be aired on CNN; developing a media plan for the upcoming RevCon; distributing DVDs of the Columbia OPCW Symposium as teaching tools on successful multilateralism; and organizing a think tank seminar, most likely in Washington, on the CWC and its role in disarmament and global security. (Del comment: Luhan has also been actively meeting with WEOG representatives, who are interested in scheduling a meeting of the WEOG with him in the next few weeks.)

¶42. (U) Javits sends.

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